

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DELIVERMED HOLDINGS, LLC, WILLIAM R.
DEETER ASSOCIATES, INC., and LINDA DEETER,

Plaintiffs,

v.

MICHAEL L SCHALTENBRAND, JOEY D.
SIDDLE and MEDICATE PHARMACY, INC.,

Defendants.

Case No. 10-cv-684-JPG-DGW

consolidated with

MARK A SWIFT,

Plaintiff,

v.

MICHAEL L SCHALTENBRAND, JOEY D.
SIDDLE and MEDICATE PHARMACY, INC.,

Defendants.

Case No 10-cv-685-JPG-DGW

ORDER

This matter comes before the Court after consideration of the response of the Register of Copyrights to the Court's November 4, 2013, inquiry whether the Register of Copyrights would have refused DeliverMed Holdings, LLC's ("DeliverMed") Registration No. VA 1-766-676 for 2-D artwork ("DeliverMed house and pestle logo," filed April 1, 2011, registered April 9, 2011) if the Register of Copyrights had known that Mark A. Swift, on behalf of DeliverMed, had intentionally misrepresented (1) that Linda Deeter was the author of the work and/or (2) that Deeter had transferred her copyright to DeliverMed by written agreement (Doc. 332). The Register of Copyrights has responded (Doc. 337) that she would have refused registration for the work in question for either of the aforementioned misrepresentations.

Accordingly, after consultation with the Register of Copyrights and for the reasons stated in the Court's October 15, 2012, order (Doc. 287), the Court **DIRECTS** the Clerk of Court to enter judgment in favor of defendants/counterclaimants Medicate Pharmacy, Inc. and Michael L. Schaltenbrand and against plaintiff/counter-defendant DeliverMed on Counterclaim 1 of the DeliverMed Action (No. 10-cv-684-JPG-DGW) for a declaration of copyright invalidity and declaring that DeliverMed's Certificate of Copyright Registration VA-1-766-676 for the 2-D artwork known as the "house and pestle" logo (VA 1-766-676) is invalid.

The Court further **DIRECTS** the Clerk of Court, pursuant to 17 U.S.C. § 508(b), to send by regular mail an AO-121 along with a certified copy of the Court's October 15, 2012, order (Doc. 287), this order, the subsequent judgment and a list of the parties and counsel in this case to:

Register of Copyrights
Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, DC 20559-6000

IT IS SO ORDERED.
DATED: January 29, 2014

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE